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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Terry E. Thomas, Carrie Peters and Peter  
Lansdorp

Serial No.: 10/842,412

Filed: April 15, 2004

For: Method For Separating Cells  
Using Immunorosettes

Art Unit: 1644

Examiner: David A. Saunders

Commissioner of Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
U.S.A.

Dear Sir:

**DECLARATION UNDER 37 CFR 1.132 OF TERRY E. THOMAS**

I, Terry E. Thomas, do declare and state that:

1. I am an inventor named in the above-referenced patent application which describes a method for selecting cells using a novel immunorosetting method.
2. I am a co-author along with Carrie E. Peters, Peter M. Lansdorp and Cyndy L. Nauer on the Peters et al Abstract that was published in the FASEB Journal 14, A989 on April 20, 2000 (hereinafter "the Abstract"). Carrie E. Peters and Peter M. Lansdorp are co-inventors of the above referenced patent application. Cyndy L. Nauer is not an inventor of the above referenced patent application.

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3. Cyndy L. Nauer was a junior technologist at StemCell Technologies Inc. at the time of the Abstract. Ms. Nauer performed some of the cell separations that assisted in generating data that was reported in the Abstract. Ms. Nauer acted completely under the direct supervision of me or co-inventor Carrie Peters as we provided the detailed procedure for her to use including the amounts and types of antibodies to be used.

4. The present Declaration is to confirm that Ms. Nauer is not an inventor of the above referenced patent application.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that wilful false statement and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application or patent resulting therefrom.

Sept 13, 2005  
DATE

Terry E Thomas  
TERRY E THOMAS